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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|----------------|-------------------------|---------------------|------------------|--|
| 10/621,708 | 07/17/2003 | Xuejun Qian | KMC / 304 | 1525 | |
| 26875 7 | 590 12/01/2006 | | EXAMINER | | |
| WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER | | | YOON, TAE H | | |
| | | | ART UNIT | PAPER NUMBER | |
| 441 VINE STREET CINCINNATI, OH 45202 | | 1714 | | | |
| | | | | 1/14 | |
| | | DATE MAILED: 12/01/2006 | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | • | | | | |
|---|--|---|--|--|--|
| Office Action Summary | | Application No. | Applicant(s) | | |
| | | 10/621,708 | QIAN, XUEJUN | | |
| | | Examiner | Art Unit | | |
| | | Tae H. Yoon | 1714 | | |
| Period fo | The MAILING DATE of this communication app or Reply | ears on the cover sheet with the c | correspondence address | | |
| WHI(- Exte after - If NC - Failu Any | ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period warre to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE | N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133). | | |
| Status | | | | | |
| 1)⊠ 2a)⊠ 3)□ | Responsive to communication(s) filed on <u>06 North</u> This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E | action is non-final. nce except for formal matters, pro | | | |
| Disposit | ion of Claims | • | | | |
| 5)□ 6)⊠ 7)□ 8)□ Applicat 9)□ 10)□ | Claim(s) 33-39 and 42-80 is/are pending in the 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) 33-39 and 42-80 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or ion Papers The specification is objected to by the Examine The drawing(s) filed on is/are: a) acceeding a content of the drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine The oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine The oath or declaration is objected to by the Exa | vn from consideration. r election requirement. r. epted or b) □ objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is objected to by the drawing(s). | e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d). | | |
| Priority (| under 35 U.S.C. § 119 | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | |
| 2) 🔲 Notic 3) 🔲 Inform | t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) or No(s)/Mail Date | 4) Interview Summary Paper No(s)/Mail Di 5) Notice of Informal F 6) Other: | ate | | |

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 33-39 and 42-80 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21-24, 26, 27, 29, 39-42, 52-56 and 60-68 of copending Application No. 10/440,804. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant composition would inherently yield bond strength of at least 3 MPa and the instant two pastes are obvious modification of the composition of said copending Application No. 10/440,804.

Applicant failed to submit terminal disclaimer, and the use of water is taught in example 3 of said copending Application No. 10/440,804.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae H Yoon //
Primary Examiner
Art Unit 1714

THY/November 25, 2006